

HB 346

EXHIBIT #5
DATE Feb 4, 2015
HB 346

Sponsor: Rep Clayton Fiscus

"A Bill Defining Bypass"



- *** Bypass - By Definition & Meaning
- *** Requiring of the Municipal & County's Jurisdiction.
- *** Requiring Property Owner Notification By Certified Mail.

The results:

" Bypass " means a "highway that skirts or bypasses a built-up area," town, or village to allow through traffic to flow - without interference from local traffic - to avoid congestion in the built-up area, and to improve road safety.

A real BYPASS will protect “single-family” homes & avoid built-up areas in the City. **[Need Public - Safety]**

Further:

A real Bypass skirts the built up areas of Cities & Towns. Creates safe & convenient travel for cars, semi-trucks & mega load traffic. It will produce millions of dollars in economic growth development.

(see pictures below)



HOUSE BILL NO. 346

INTRODUCED BY C. FISCUS

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "BYPASS" IN THE CONTEXT OF HIGHWAY CONSTRUCTION AND RELOCATION; REQUIRING PRIOR CONSENT BY A COUNTY FOR THE CONSTRUCTION OF A BYPASS IN THE COUNTY'S JURISDICTION; REQUIRING NOTIFICATION TO CERTAIN PROPERTY OWNERS ABOUT A PROPOSED HIGHWAY BYPASS; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTION 60-2-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, the Montana Code Annotated does not define "bypass" for the purposes of highway construction or relocation; and

WHEREAS, property owners' health and property values can be harmed or destroyed from the effects of a bypass; and

WHEREAS, family life can be ruined from the construction or relocation of a bypass; and

WHEREAS, social, economic, and financial considerations must be protected and promoted; and

WHEREAS, a highway bypass can potentially be the catalyst for billions of dollars of economic development; and

WHEREAS, the Montana Legislature must protect its citizens from ill-conceived plans for the construction or relocation of highway bypasses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 60-2-211, MCA, is amended to read:

"60-2-211. Bypassing of municipalities -- buffer zone -- consent of municipal governing body -- notification of property owners -- definition. (1) The department may not construct a highway bypasses bypass or a highway relocation projects project without prior consent of the respective governing body bodies of an the incorporated municipality and the county in which the municipality lies when the bypasses or projects bypass or project:

(a) are is not part of the national system of interstate highways built under the National Defense Highway

1 Act; and

2 (b) ~~divert~~ diverts motor vehicles from an existing highway route through a municipality incorporated prior
3 to January 1, 1965.

4 (2) The department shall notify the respective governing body ~~bodies~~ of the municipality and county by
5 certified mail that it the department proposes to bypass the municipality. A contract may not be let or work
6 commenced until the respective governing body ~~notifies~~ bodies each notify the department of its their respective
7 consent or until the elapse of 60 90 days after the notice has been sent by the department to the municipality,
8 whichever first occurs. The failure of the municipality or county to act and notify the department of its the
9 municipality's or county's action within the 60-day 90-day period is implied consent to the bypass.

10 (3) Actual consent or refusal to the proposed bypass ~~shall or project must~~ be in the form of a resolution
11 ~~duly~~ adopted by a majority of the members of the respective governing body ~~bodies~~ of the municipality and
12 county.

13 (4) ~~The~~ A municipality's or a county's governing body may not withdraw consent once the department
14 has been notified of the consent.

15 (5) Early in the planning process, the department shall notify by certified mail each owner of property that
16 is adjacent to the location of or in the right-of-way of a potential highway bypass that the department proposes
17 to build the bypass or project.

18 (6) For the purposes of this section, "bypass" means a highway that skirts or bypasses a built-up area,
19 town, or village to allow through traffic to flow without interference from local traffic, to avoid congestion in the
20 built-up area, and to improve road safety."

21

22 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

23

24 NEW SECTION. Section 3. Applicability -- nonapplicability. (1) [This act] applies to the planning
25 process for the construction of a highway bypass that began on or after [6 months prior to the effective date of
26 this act] if a contract for the construction of a highway bypass has not been entered into before [the effective date
27 of this act].

28 (2) [This act] does not apply to:

29 (a) the planning process for the construction of a highway bypass that began before [6 months prior to
30 the effective date of this act]; or

The Value of Passing HB 346

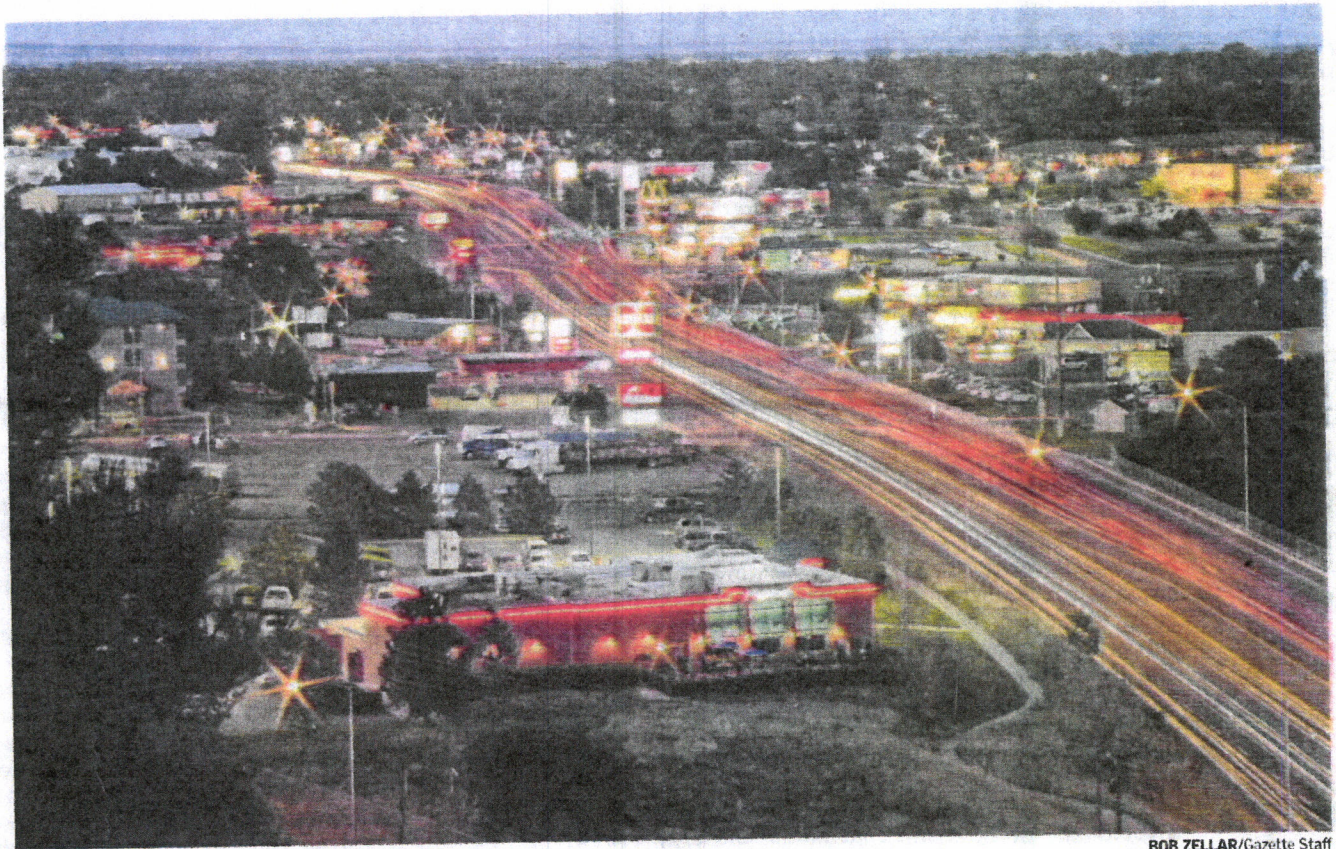
1. Provides a Truck Route. (Faster, convenient routes - avoids residential traffic)
2. It will protect the built up areas of a City from truck-traffic, air, noise, light pollution & garbage. (*public safety issue*)
3. It will prevent the violation of negating zoning laws.
4. The destruction of homes will not be necessary.
5. It will skirt the residential areas in a City.
6. This bill will protect single family homes property values.
7. Prevent the need to destroy homes and Eminent Domain issues.
8. Promotes millions \$\$\$ in economic growth allowing for new commercial & residential areas construction. (*Bad news without HB 346*)

Without Passing HB 346

1. Calling Highways “ a Bypass ” when they funnel traffic into single family neighborhoods & City Center.
2. Funneling Truck Route Traffic into existing heavy traffic - Main Street, and other roadways. * *see Billings Gazette article next page* *
3. Example: Main Street has 300 businesses fronting on Main Street, with 3000 employees work force. (5 banks- fast food-offices- small businesses- gas stations etc.) currently 40,000 cars a day traffic load.
4. Current policy ignores zoning; residential & commercial zones with stop lights and reduced speeds.
5. Without HB 346, interstate traffic would be added to the already congested City Center.
6. Current Laws leave poor design factors in place.
7. Will cause a loss of billions of dollars \$\$\$ in economic growth.

The Billings blur

Main Street holds the title as busiest street in Montana



BOB ZELLAR/Gazette Staff

Car lights stream down Main Street, in a long exposure photo, in Billings.

By JACI WEBB

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From the tiny barbershop near Pemberton Lane on the north to the sprawling MetraPark complex on the south, Main Street in the Heights is often seen as a blur by up to 49,000 motorists a day.

As early as the 1890s, there is mention of the Roundup Road linking farmland north of Billings to Billings proper, according to Charles Zimmerman's book, "Along the Zimmerman Trail."

Main Street is actually under the jurisdiction of the Montana Department of Transportation because it is part of

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Montana Highway 87, the road between Roundup and Billings. Billings police patrol Main Street, which has some of the most dangerous intersections in the city. In 2011, there were at least 37 accidents

at the intersection of Airport Road and Main Street, more than anywhere else in the city. The intersection at Lake Elmo

Please see Main, A7